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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE  
BEFORE THE TRADEMARK TRIAL AND APPEAL BOARD

Proceeding	92054551
Party	Defendant Douglas Burda
Correspondence Address	DOUGLAS BURDA KONCEPT LLC 900 LAS VEGAS BOULEVARD SOUTH, UNIT 1009 LAS VEGAS, NV 89101 UNITED STATES dbb@konceptlaw.com
Submission	Other Motions/Papers
Filer's Name	Douglas Burda
Filer's e-mail	dbb@konceptlaw.com
Signature	/Douglas Burda/
Date	03/09/2012
Attachments	ERRATA TO MOTION TO SUSPEND AND FOR AN EXTENSION OF TIME.pdf ( 7 pages )(76424 bytes )

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE  
BEFORE THE TRADEMARK TRIAL AND APPEAL BOARD**

**ANDREY PINSKY**

**Petitioner,**

**v.**

**Cancellation No. 92054551**

**DOUGLAS BURDA**

**Respondent.**

**ERRATA TO REGISTRANT'S MOTION TO SUSPEND THE PROCEEDING AND FOR  
AN EXTENSION OF TIME TO RESPOND TO PETITIONER'S MOTION TO COMPEL**

Respondent, Douglas Burda (Registrant) hereby files this Errata to correct an error in Registrant's motion filed on March 9, 2012. The corrections are applicable to the second heading on the first page: "BRIEF IN SUPPORT OF OPPOSITION" is hereby corrected to "BRIEF IN SUPPORT OF MOTION". The corrected paper is attached hereto as Exhibit 1.

March 9, 2012

Respectfully submitted,



Douglas Burda  
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Attorney & Registrant

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE  
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**ANDREY PINSKY**

**Petitioner,**

**v.**

**Cancellation No. 92054551**

**DOUGLAS BURDA**

**Respondent.**

**EXHIBIT 1 TO ERRATA TO REGISTRANT'S MOTION TO SUSPEND THE  
PROCEEDING AND FOR AN EXTENSION OF TIME TO RESPOND TO  
PETITIONER'S MOTION TO COMPEL**

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE  
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**REGISTRANT'S MOTION TO SUSPEND THE PROCEEDING AND FOR AN  
EXTENSION OF TIME TO RESPOND TO PETITIONER'S MOTION TO COMPEL**

Respondent, Douglas Burda (Registrant) hereby moves the Trademark Trial and Appeal Board (the Board) to suspend this proceeding and for an extension of time to respond to Andrey Pinsky's (Petitioner's) latest Motion.

REGISTRANT'S MOTION TO SUSPEND THE PROCEEDING AND FOR AN EXTENSION OF TIME TO RESPOND TO PETITIONER'S MOTION TO COMPEL (Motion) is supported by Registrant's BRIEF IN SUPPORT OF MOTION, below, the papers on file with the Board in this matter, and any other matters properly before the Board.

**BRIEF IN SUPPORT OF MOTION**

**I. BACKGROUND.**

1. On February 15, 2012, Registrant filed its Motion for Default Judgment against Petitioner, establishing, among other things, that Petitioner has and continues to willfully breach the rules applicable to this proceeding in direct contravention of

the Board's orders. Registrant's Motion for Default Judgment is potentially dispositive of this proceeding.

2. On February 20, 2012, Petitioner, again in contravention of such rules: (a) filed its Motion to Compel Discovery, and (b) again re-inserted into the case file documents previously shielded from public view by the Board's orders.

## **II. LEGAL STANDARDS APPLICABLE TO REGISTRANT'S MOTION.**

Due to the potentially dispositive nature of a pending Motion for Default, the Board will typically suspend proceedings on the proceeding with respect to all other matters, pending the outcome of the Board's decision on the potentially dispositive motion. "When any party files a [] motion which is potentially dispositive of a proceeding, the case will be suspended by the Trademark Trial and Appeal Board with respect to all matters not germane to the motion". 37 CFR § 2.127(d). Under such circumstances, the parties should not file any documents with the Board that do not directly relate to the potentially dispositive pending motion. "[N]o party should file any paper which is not germane to the motion except as otherwise specified in the Board's suspension order." *Id.*

## **III. ARGUMENT.**

Because the Board's decision on Registrant's previously-filed Motion for Default Judgment may dispose of this case in its entirety, Registrant's response to Petitioner's improper Motion to Compel Discovery will be unnecessary if the Board decides Registrant's Motion for Default Judgment in Registrant's favor.

Likewise, based upon Registrant's Motion for Default Judgment filed on February 15, 2012, Petitioner was obligated to desist from filing any paper with the

Board not germane to such Motion in this matter under the clear mandate of 37 CFR § 2.127(d). Petitioner, however, breached such obligation and filed its Motion to Compel Discovery. Petitioner's action in such regard are similar to the type of contraventions that serve as a bases for Registrant's Motion for Default Judgment.

As such, Registrant respectfully requests that the Board suspend this proceeding pending the outcome of the Board's decision on Registrant's Motion for Default Judgment, and extend the time allowed for Registrant's response to Petitioner's Motion to Compel Discovery in light of same.

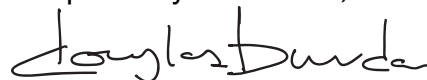
#### **IV. CONCLUSION.**

For all of the forgoing reasons, Registrant respectfully requests that the Board grant Registrant's Motion.

Registrant respectfully reserves the right to file additional papers with the Board regarding Registrant's Motion and/or Petitioner's response, if any.

March 9, 2012

Respectfully submitted,



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Attorney & Registrant

### **CERTIFICATE OF ELECTRONIC FILING**

I certify that a true and complete copy of the foregoing REGISTRANT'S MOTION TO SUSPEND THE PROCEEDING AND FOR AN EXTENSION OF TIME TO RESPOND TO PETITIONER'S MOTION TO COMPEL is being electronically transmitted to the Trademark Trial and Appeal Board, U.S. Patent and Trademark Office on March 9, 2012.

By:   
Douglas Burda

### **CERTIFICATE OF SERVICE**

I hereby certify that a true and complete copy of the foregoing REGISTRANT'S MOTION TO SUSPEND THE PROCEEDING AND FOR AN EXTENSION OF TIME TO RESPOND TO PETITIONER'S MOTION TO COMPEL has been served on Andrey Pinsky by mailing said copy on March 9, 2012 via First Class Mail International, postage prepaid to:

ANDREY PINSKY  
PINSKY LAW  
45 SHEPPARD AVE EAST SUITE 900  
TORONTO, ON M2N 5W9  
CANADA

By:   
Douglas Burda

### **CERTIFICATE OF ELECTRONIC FILING**

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Douglas Burda

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ANDREY PINSKY  
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